

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>V.</b>	)	<b>CASE NO:2:05-cr-215-MHT-SRW</b>
	)	
<b>NOE SANTIAGO-LOPEZ</b>	)	

**DEFENDANT’S MOTION IN LIMINE**

**NOW COMES** the Defendant, Noe Santiago, by and through undersigned counsel, and moves the Court to prohibit the Government and its witnesses from introducing the following into evidence or argument:

1. The Defendant’s entry into the United States, and the legality or illegality of such entry;
2. The Defendant’s status of presence, residence or citizenship in the United States, and the legality or illegality of such status.

In support of this request, the Defendant would show that Mr. Santiago is on trial only for the specific offenses alleged against him in the Indictment. Mr. Santiago is not on trial for any act or any conduct not specifically charged in the Indictment. *U.S. v. McDonald*, 935 F.2d 1212, 1222 at n. 26 (11<sup>th</sup> Cir. 1991). Introduction of the above-described evidence is irrelevant to the matters at issue and would unduly prejudice the defendant and confuse the jury, in violation of Rules 401, 402, 403 and 404(b).

Respectfully submitted,

**s/Christine A. Freeman**  
**CHRISTINE A. FREEMAN**

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 4, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Susan Redmond, Assistant United States Attorney, One Court Square, Suite 201, Montgomery, Alabama 36104.

**s/Christine A. Freeman**

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**FEDERAL DEFENDERS**

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